

MCLEITCHIE LAW

1 Margaret A. McLetchie, Nevada Bar No. 10931  
2 Alina M. Shell, Nevada Bar No. 11711  
2 **MCLEITCHIE LAW**  
3 701 East Bridger Ave., Suite 520  
4 Las Vegas, NV 89101  
5 Telephone: (702) 728-5300  
5 Facsimile: (702) 425-8220  
6 Email: maggie@nvlitigation.com  
6 Email: alina@nvlitigation.com

7 Jennifer L. Braster, Nevada Bar No. 9982  
8 Andrew J. Sharples, Nevada Bar No. 12866  
8 **NAYLOR & BRASTER**  
9 1050 Indigo Drive, Suite 200  
Las Vegas, NV 89145  
10 Telephone: (702) 420-7000  
Facsimile: (702) 420-7001  
11 Email: jbraster@nblawnv.com  
Email: asharples@nblawnv.com

13 *Attorneys for Plaintiff Gary Miller*

14 **UNITED STATES DISTRICT COURT**  
15 **DISTRICT OF NEVADA**

16 GARY MILLER, an individual,  
17 Plaintiff,  
18 vs.

19 NYE COUNTY, Nevada, a political subdivision  
20 of the State of Nevada and doing business as the  
Nye County Sheriff's Office and Nye County  
Animal Control; and DEPUTY JOHN TOLLE,  
21 individually and in his official capacity as a Nye  
County Police Officer;  
22 Defendants.

Case. No.: 2:19-cv-00601-JAD-DJA

**STIPULATION AND ORDER TO**  
**EXTEND DEADLINE FOR**  
**PLAINTIFF TO FILE RESPONSE**  
**TO DEFENDANTS' PARTIAL**  
**MOTION TO DISMISS**  
**PLAINTIFF'S SECOND**  
**AMENDED COMPLAINT**

(Second Request) ECF No. 39

23 Plaintiff GARY MILLER, and Defendants NYE COUNTY, and DEPUTY JOHN  
24 TOLLE, by and through their respective counsel of record, hereby stipulate to the following:

25 1. The Parties hereby agree and stipulate to that Plaintiff GARY MILLER  
26 shall have an additional two (2) days to file his Response to Defendants' Partial Motion to  
27 Dismiss Second Amended Complaint (ECF No. 36) filed on November 6, 2020.  
28

1       2.       The current Response deadline is November 30, 2020 (*see* ECF No. 38) and  
2 the requested extension would make the new deadline be December 2, 2020.

3       3.       Lead counsel for Plaintiff has conflicting deadlines, such as Replies in  
4 support of Motion for Temporary Restraining Order and/or Preliminary Injunction in  
5 *Downes-Covington v. Las Vegas Metropolitan Police Department*, Case No. 2:20-cv-01790-  
6 GMN-DJA, due on November 30, 2020. This briefing scheduled was just ordered on  
7 November 19, 2020 (*see* Case No. 2:20-cv-01790-GMN-DJA, ECF No. 22), which counsel  
8 for Plaintiff learned of after the first request for an extension was submitted. (ECF No. 37.)

9       4.       Counsel for Plaintiff also has a Reply in support of second supplemental  
10 opening brief in *Las Vegas Review-Journal, Inc. v. Las Vegas Metropolitan Police*  
11 *Department*, Case No. A-20-809924-W, due on November 30, 2020 and an Opposition to  
12 Motion for Stay on an Order Shortening Time in *Las Vegas Review-Journal v. Clark County*  
13 *Coroner's Office*, Case No. A-17-758501-W, also due on November 30, 2020. Both of these  
14 deadlines only arose recently, shortly before the Thanksgiving holiday and after the prior  
15 request was submitted.<sup>1</sup>

16       5.       Counsel for Plaintiff also has eight status reports due on November 30, 2020  
17 in *In Re: HCV Prison Litigation*, Case No. 3:19-cv-00577-MMD-CLB.

18       6.       The Parties will be participating in a Fed. R. Civ. P. 30(b)(6) deposition in  
19 this matter on December 1, 2020.

20       7.       This is the second stipulation for an extension of time in this matter and the  
21 requested additional time to is ensure proper representation of client's interests and quality  
22 briefing.

23       ///

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25       1 While the attorneys worked over the holidays and holiday weekend, McLetchie Law was  
26 closed on Thursday and Friday of last week.

8. This request is made in good faith and is not sought any improper purpose or for the purpose of delay.

## **IT IS SO STIPULATED.**

DATED this the 30<sup>th</sup> day of November, 2020. DATED this the 30<sup>th</sup> day of November, 2020

MCLEITCHIE LAW

## MARQUIS AURBACH COFFING

*/s/ Margaret A. McLetchie*  
Margaret A. McLetchie, NV Bar No.10931  
Alina M. Shell, NV Bar No. 11711  
701 East Bridger Avenue, Suite 520  
Las Vegas, NV 89101  
and  
NAYLOR & BRASTER  
Jennifer L. Braster, NV Bar No. 9982  
Andrew J. Sharples, NV Bar No. 12866  
1050 Indigo Drive, Suite 200  
Las Vegas, NV 89145

*/s/ James A. Beckstrom*  
Craig R. Anderson, NV Bar No. 6882  
James A. Beckstrom, NV Bar No. 14032  
10001 Park Run Drive  
Las Vegas, Nevada 89145

*Attorneys for Plaintiff Gary Miller*

## **ORDER**

IT IS SO ORDERED.

U.S. District Judge Jennifer A. Dorsey  
Dated: November 30, 2020